



1 Order Granting Joint Motion To Consolidate Related Actions, Document 7 case  
2 3:08-cv-00116 and Document 65 case 3:06-cv-02711-DMS-POR. Also, see Order  
3 Consolidating Action and Granting the Defendant United States of America's Ex Parte  
4 Application to Extend Time, Document 100 case 3:06-cv-02711-DMS-POR.

5 3. The Summons and Complaint was timely served upon Defendant Cessna Aircraft  
6 Company on 6 May 2008.

7 4. Defendant Cessna Aircraft Company has not responded to said Summons and  
8 Complaint.

9 5. Federal Rule of Civil Procedure, Rule 41 (a) (1) (A) (i) is authority for a voluntary  
10 dismissal upon notice before Defendant Cessna Aircraft Company responds to the  
11 summons and complaint.  
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13  
14 Dated: 9 May 2008

**MAGAÑA, CATHCART & McCARTHY**

15  
16 By: /s/ William H. Wimsatt  
17 WILLIAM H. WIMSATT  
18 Attorneys for Plaintiffs  
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**PROOF OF SERVICE**

*Shafran, et al vs. USA, et al*

US District Court; Southern District of California (San Diego)

Case No. 3:08-cv-00116-DMS-POR Consolidated: 3:06-cv-02711-DMS-POR

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, the undersigned say: I am and was at all times herein mentioned a resident of the County of Los Angeles, over the age of eighteen (18) years and not a party to the within action or proceeding; that my business address is 1801 Avenue of the Stars, Suite 600, Los Angeles, California 90067.

That on **9 May 2008**, I served the within **Notice of Plaintiffs' Voluntary Dismissal of Exemplary Damages Claim As To Defendant Cessna Aircraft Company Only** on the interested parties in said action or proceeding by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

William T. Dellhagen, Esq.     **Attorneys for Defendant:**  
Murchison & Cumming     Cessna Aircraft Company  
801 South Grand Avenue  
9<sup>th</sup> Floor  
Los Angeles, CA 90017

**XXX (BY MAIL)** I caused a true copy of each document, placed in a sealed envelope with postage fully paid to be placed in the United States mail at Los Angeles, California. I am "readily familiar" with this firm's business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U. S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

\_\_\_\_\_**(BY OVERNIGHT DELIVERY)** I personally caused a true copy of each document, placed in a sealed envelope with delivery fees provided for, to be deposited with the United Parcel Service located at 1801 Avenue of the Stars, Los Angeles, California 90067-5801.

\_\_\_\_\_**(BY FACSIMILE)** By use of facsimile machine number **(310) 407-2295**, I served a copy of the within document(s) on the above-listed parties at the facsimile number(s) listed above. The transmission report was properly issued by the transmitting facsimile machine.

I am employed by a member of the bar of this Court at whose direction this service is made.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on **9 May 2008**, at Los Angeles, California.

/s/ Virginia G. Galicia  
Virginia G. Galicia